

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

EMIGRANT BANK AND PACIFIC
MERCANTILE BANK,

Plaintiffs,

v.

SUNTRUST BANK; TRUIST BANK; AND
DOES 1 THROUGH 10 INCLUSIVE,

Defendants.

Civil Action No. 1:20-cv-02391-PGG

**NOTICE OF DEFENDANTS SUNTRUST BANK AND TRUIST BANK'S
MOTION TO DISMISS THE FIRST AMENDED COMPLAINT**

PLEASE TAKE NOTICE that the undersigned, attorneys for Defendants Truist Bank and SunTrust Bank (collectively, "SunTrust") in the above-captioned matter, will move this Court before the Hon. Paul G. Gardephe, United States District Judge for the Southern District of New York, 40 Foley Square, New York, NY 10007, at a date and time to be determined by this Court, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing Plaintiffs' First Amended Complaint (ECF 45) with prejudice.

The grounds for this motion are set forth in SunTrust's Memorandum of Law In Support of Their Motion to Dismiss the First Amended Complaint and the exhibits attached thereto.

Dated: December 10, 2021

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